

REMARKS

Applicant hereby responds to the Final Office Action of October 28, 2008. Applicant wishes to thank the Examiner for carefully considering the application.

Status of Claims

Claims 1, 4-14, 17-27, and 30-46 are pending in the above-referenced patent application. Claims 1, 14, 27, and 41 are independent. The remaining claims depend, directly or indirectly, from claims 1, 14, 27, and 41.

Claims 1, 4-14, 17-27 and 30-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,133,847 issued to Yang ("Yang") in view of U.S. Publication No. 2006/0200253 for Hoffberg ("Hoffberg").

Claim Amendments

Claims 1, 14, 27 and 41 have been amended for clarification purposes. New claim 46 is added. No new matter has been added by way of these amendments and support for the amendments is in the original specification. Accordingly, entry and favorable consideration of the amendments are respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Rejection of claims 1, 4-14, 17-27 and 30-45 under 35 U.S.C. § 103(a) as being unpatentable over Yang in view of Hoffberg is respectfully traversed because for at least the

following reasons, Yang and Hoffberg, whether considered individually or in combination, fail to disclose all of the claimed limitations.

According to MPEP §2142

[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that ‘rejections on obviousness cannot be sustained with mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.’ *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

Further, according to MPEP §2143, “[T]he Supreme Court in *KSR International Co. v. Teleflex, Inc.* 550 U.S. ___, ___, 82 USPQ2d 1395-1397 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper “functional approach” to the determination of obviousness as laid down in *Graham*.” And, according to MPEP §2143.01, [o]bviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006). Further, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art.” *KSR International Co. v. Teleflex, Inc.* 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007).

Additionally, according to MPEP §2143

[a] statement that modification of the prior art to meet the claimed invention would have been “well within the ordinary skill of the art at the time the claimed invention was made” because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Pat. App. & Inter. 1993).

The claimed invention is directed to a network including a user interface for controlling application devices in the network. Independent claim 1 recites, in part, “in response to selection of a reference associated with a device from the user interface, using the selected reference for communicating *with the selected device* over the network to directly access information for the selected device and dynamically generating a web-based control page for display on a browser for user interaction with the selected device via the web-based control page.” Independent claim 1 has been amended to recite in part: “*wherein the user interface for controlling the selected device is generated based on the information directly accessed from the selected device.*”

As a result of the above-mentioned limitations, advantageously, whenever information of a device is changed in the network of the claimed invention, the user interface is dynamically changed in real time based on the information directly obtained from the device. Independent claim 1, as amended further clarifies that the user interface is generated from the selected device and not generated from a remote controlled device. By way of example, as shown in Fig. 6 of the present application, whenever the “Sony device” in the network is replaced with, for example, a Samsung device, the top page is generated dynamically to display an icon for the Samsung device

instead of the Sony device that was previously based on the information directly obtained from the Sony device. Accordingly, the user interface for controlling the Samsung device is generated from the actual Samsung device not the Sony device, nor a remote controlled device memory.

By contrast, Yang, Hoffberg, either separately or combined, fail to disclose at least the above-mentioned claimed limitations, and does not enjoy the advantages of the claimed invention. That is, neither Yang, Hoffberg, or even a resulting combination teach, disclose or suggest “wherein the user interface for controlling the selected device is generated from the selected device without accessing a remote controlled device memory” as recited in independent claim 1.

Referring to Fig. 1 and the associated text of Yang, the system of Yang requires that the relevant information, i.e., the “programming software code,” from the appliances is downloaded to the memory 120 of the remote control device 100 before the appliances are selected via the remote control. Unlike the claimed invention, there is no need for the remote control device 100 in Yang to further “access” the information in the appliances over the network when appliances are selected from a user interface. In other words, in the system of Yang, all the information of the appliances is downloaded, before the appliances are selected via the remote control as a single set of information, and such a single set of information is stored in the memory of the remote control itself. In Yang, when an appliance is selected via the remote control, unlike the claimed invention, in Yang the selected appliance is not accessed over the network to obtain control information such as a web page from the selected appliance. Rather, when an appliance

is selected via the remote control of Yang, the local memory 120 of the remote control 100 is accessed to obtain information about the selected appliance.

Thus, the initial “downloading” of information to the memory in Yang before any appliance is selected by the remote control, is not the same as the directly obtaining information from the device over the network once the device is selected from a user interface, as claimed herein. The “accessing” memory of Yang is not the same as the claimed directly accessing, over the network, the associated information stored in the corresponding device. Further, the downloaded information in Yang is not equivalent to the claimed directly obtained information, because in Yang program codes are downloaded to the remote control for applicable use by the remote control, not for directly accessing the device for providing direct web-based control of the device.

The Examiner acknowledges on page 11 of the Office Action, that in Yang the programming software code from the appliances is downloaded to the memory 120 of the remote control device 100 beforehand. However, the Examiner asserts that Yang still reads on the claimed language of “directly accessing” because the system still directly accesses the information from the appliances stored in the memory of the corresponding device. Applicant respectfully reiterates that the claimed invention obtains the associated device information for the selected device via direct access to the device over the network, as opposed to obtaining information from a local memory as disclosed in Yang.

In view of the above, Yang fails to disclose all of the claimed limitations of independent claim 1 of the present application and Hoffberg fails to cure the identified deficiencies of Yang. Therefore, the combination of Yang in view of Hoffberg fails to disclose all of the claimed limitations of independent claim 1. Applicant respectfully submits that independent claims 14, 27 and 41 have been amended to recite limitations similar to independent claim 1 with regard to *“wherein the user interface for controlling the selected device is generated based on the information directly accessed from the selected device.”* Further, since Yang in view of Hoffberg fail to teach, disclose or suggest all the limitations of Applicant's claims 1, 14, 27 and 41, as listed above, Applicant's claims 1, 14, 27 and 41 are not obvious over Yang in view of Hoffberg since a prima facie case of obviousness has not been met under MPEP §2143. Thus, claims 1, 14, 27 and 41 of the present application are patentable over Yang in view of Hoffberg for at least the reasons set forth above. Accordingly, dependent claims 4-13, 17-26, 30-40 and 42-45 are allowable for at least the same reasons and by virtue of their respective dependence from independent claims 1, 14, 27 and 41.

Regarding, dependent claims 7, 20 and 33, Applicant submits that Yang fails to teach *“upon detecting user selection of a device from the user interface, using the associated reference to access the selected device and obtain the user control interface description in the selected device.”* The instant Office Action relies on Yang col. 8, lines 18-24 to make the rejection. But, as stated above, Yang does not teach the claim limitation of obtaining the associated device information for a selected device via direct access to the device over the network. Thus, dependent claims 7, 20 and 33 are allowable for at least the additional reasons.

Regarding dependent claims 12, 25 and 38, Applicant respectfully submits that, contrary to the assertions made in the instant Office Action, Yang does not teach the limitation “detecting user selection of a device from one of said user interfaces, and using a reference in the user interface to access the control interface description in the device and then display the control interface description as a control page for user command and control of the device.” As stated above, Yang col. 8, lines 18-24 does not teach obtaining the associated device information for a selected device via direct access to the device over the network. Thus, dependent claims 12, 25 and 38 are allowable for at least the additional reasons.

In further regard to dependent claims 40, 43 and 44, and for the above reasons similar to dependent claims 12, 25 and 38 with respect to “accessing the information contained in the selected device”, Applicant respectfully submits dependent claims 40, 43 and 44, are also allowable for at least the additional reasons.

With regard to claim 42, the instant Office Action asserts that Yang col. 8, lines 18-24 teaches the limitations therein. Applicant respectfully submits that Yang fails to teach or suggest “obtaining a first set of device information directly from the application devices”, as recited in base claim 41, and “accessing the second set of device information contained in the selected device”, as claimed. In contrast to claim 42, Yang only teaches accessing information from the remote control memory, and does not teach accessing “first and second sets of selected information” contained in the selected device. Thus, dependent claim 42 is allowable for at least

the additional reasons.

With regard to claim 45, the Examiner asserted that “while Hoffberg teaches the web-based control page, Yang teaches the user interface being generated by receiving the information for the selected device directly from the selected device (col. 8, lines 18-24).” Applicant respectfully disagrees with the Examiner, because Yang and Hoffberg, alone or in combination, do not teach the claim limitation of obtaining the associated device information for a selected device via direct access to the device over the network, as opposed to obtaining information from a local memory as disclosed in Yang. Thus, dependent claim 45 is allowable for at least the additional reasons.

Accordingly, withdrawal of the rejection of claims 1, 4-14, 17-27 and 30-45 is respectfully requested.

New claim 46 has been added to further clarify the invention of the present application. Applicant respectfully submits that Yang fails to read on claim 46 with regard to the limitation *“wherein the user interface for controlling the selected device is generated from the selected device without accessing a remote controlled device memory.”* Clearly, Yang teaches accessing a remote control and fails to read on the “without accessing a remote controlled device memory” limitation of claim 46. Thus, dependent claim 46 is believed to be allowable for the above reason.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant believes that the claims are in condition for allowance. Reconsideration, re-examination, and allowance of all claims are respectfully requested. If the Examiner feels that a telephone interview may help further the examination of the present application, the Examiner is encouraged to call the undersigned attorney or his associates at the telephone number listed below.

Please direct all correspondence to **Myers Andras Sherman LLP**, 19900 MacArthur Blvd., Suite 1150, Irvine, California 92612.

Respectfully submitted,

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